CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION(S) NO.1182 /2007

PETITIONER Radhelal S/o- Bhaiyaram

Aged about 59 years, Permanent Gangman, Arjunda-Gunderdehi Road, Gunderdehi –District- Durg (C.G.)

P.F. No. 15931/7
Presented by Shri Ramesh Kashyap
dated 23/2/07

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through-the Secretary,
Public Works Department,
D.K.S. Bhawan, Raipur (C.G.)

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3. Sub-Divisional Officer
Sub-Division, C.G. PWD, PWD Office, Gunderdehi, Sub Division, District–Durg (C.G.)

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA

(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1182 of 2007

Petitioner : Radhelal

Versus

Respondents : State of Chhattisgarh and another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Anup Majumdar, Advocate for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondents.

O R D E R

(Passed on this 28th Day of February, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed on 1-7-1975 as permanent Gangman in Sub-Division, Gunderdehi, District-Durg and the petitioner, who has worked for more than 25 years as Gangman. He seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the

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petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash